

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION**

ART SADIN,)	
)	
Plaintiff,)	
v.)	CIVIL ACTION NO. <u>3:18-CV-00092</u>
ST. PAUL STAMP WORKS, INC.,)	
)	
Defendant)	
)	

COMPLAINT

Comes now into this Honorable Court Art Sadin, Plaintiff herein (hereafter referred to as Plaintiff) and files this suit for damages, equitable relief and permanent injunctive relief.

I. PARTIES

At all time material hereto, Plaintiff was a U.S. citizen and a resident of the Southern District of Texas, Galveston Division.

Defendant, St. Paul Stamp Works, Inc. is a foreign corporation with its principal place of business in a state other than the State of Texas that can be served through its registered agent Susan Pittell at 1130 Elmwood Ave, Kansas City, MO 64127.

The Defendant into a contract with Plaintiff. The contract was executed in Texas.

II. JURISDICTION AND VENUE

This action is brought pursuant to of the TEXAS BUSINESS & COMMERCE CODE §17.46, Texas Consumer Protection – Deceptive Trade Practices Act. Thus, this Honorable Court has jurisdiction as this action is brought pursuant to a statute that provides for a private cause of action.

There is complete diversity of citizenship between Plaintiff and Defendant and the amount of controversy exceeds Seventy-Five Thousand Dollars (\$75,000.00) exclusive of costs and interest as described in Diversity Jurisdiction. 28 U.S.C. Sec 1332(a)(1). This Court has specific jurisdiction over St. Paul Stamp Works, Inc. as it has caused damage to Plaintiff. This tortious conduct occurred in this District and Division.

Defendant has defrauded numerous residents of the State of Texas and the Southern District of Texas. If this matter cannot be resolved, Plaintiff may amend this Complaint to include FRCP 23 claims.

III. FACTS AND ALLEGATIONS AND RELIEF SOUGHT

Plaintiff and Defendant entered into a contract for the purchase of stamps that the Defendant was to provide to Plaintiff. Plaintiff paid Defendant in full at the time the contract was entered, however Defendant has failed honor its agreement with Plaintiff.

Plaintiff asserts that Defendant committed a number of false, misleading or deceptive acts and practices prohibited by Section 17.46 of the TEXAS BUSINESS & COMMERCE CODE including, but not limited to the following:

1. Representing that goods or services have characteristics, uses, or benefits which they do not have, in violation of TEXAS BUSINESS & COMMERCE CODE § 17.46(b)(5);
2. Representing that goods or services are of a particular standard, quality, or grade, if they are of another, in violation of TEXAS BUSINESS & COMMERCE CODE § 17.46(b)(7);
3. Advertising goods or services with intent not to sell them as advertised, in violation of TEXAS BUSINESS & COMMERCE CODE § 17.46(b)(9);
4. Failing to disclose information concerning goods or services which was known at the time of the transaction thereby intending to induce Plaintiff into entering into the

referenced agreement, knowing that Plaintiff would not have entered into such agreement had such information been disclosed, in violation of TEXAS BUSINESS & COMMERCE CODE § 17.46(b)(24).

Defendant knowingly and intentionally committed the above listed acts causing Plaintiff to rely on those false representations, acts and omissions and to incur damages to Plaintiff.

5. Defendant also engaged in wire fraud and mail fraud in this District and Division.

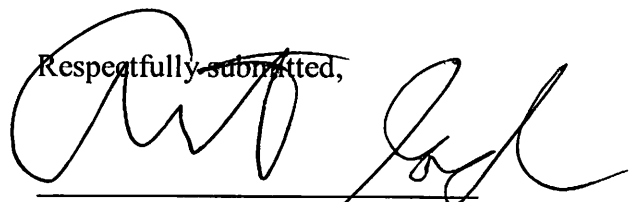
Plaintiff seeks the following relief from Defendant at this time:

1. Money paid for the stamps;
2. Attorney fees; and
3. Treble damages.

IV. PRAYER

Plaintiff seeks judgment against Defendant for damages in an amount in excess of \$75,000.00 exclusive of costs and interest as defined by federal law, punitive damages, treble damages, attorney's fees, costs incurred, together with pre- and post-judgment interest per law and other equitable relief as the Court deems just and proper.

Respectfully submitted,



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